

RCRA REVISION CHECKLIST 167 E

Bevill Exclusion Revisions and Clarifications

63 FR 28556-28753

May 26, 1998

(RCRA Cluster VIII, non-HSWA provisions)

Note that on page 63 FR 28600, Column 1 of the May 26, 1998 final rule (63 FR 28556; Revision Checklist 167), it is stated that EPA “is revoking five remanded waste listings (K064, K065, K066, K090 and K091) because there is a lack of information demonstrating threats to human health or the environment that would justify a listing at this time”. However, the Agency did not amend 40 CFR 261.32 (listings of hazardous wastes from specific sources) to remove the remanded wastes. EPA intends to issue a technical correction in the future, that will include an amendment to remove K064, K065, K066, K090 and K091 from 40 CFR 261.32. Note that these five K wastes will still be regulated under RCRA Subtitle C if they exhibit a hazardous waste characteristic.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A - GENERAL						
DEFINITION OF HAZARDOUS WASTE						
following “identified in subpart C”, replace “except that” with “of this part. However,”; following “under subpart C”, replace “of this part” with “is a hazardous waste”; in second sentence, insert a comma following “had not occurred”	261.3(a)(2)(i)					
remains unchanged even though included in this rule	261.3(a)(2)(iii)					
EXCLUSIONS						
revise 261.4(b)(7) as 261.4(b)(7), (b)(7)(i), & (b)(7)(ii); new 261.4(b)(7) is now unchanged first sentence of old 261.4(b)(7)	261.4(b)(7) intro					

RCRA REVISION CHECKLIST 167 E: Bevill Exclusion Revisions and Clarifications (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† new 261.4(b)(7)(i) is second sentence of old 261.4(b)(7) with the following revisions: delete comma following “§261.4(b)(7)””; replace colon following “activities” with a semicolon; use lower case with “crushing”	261.4(b)(7)(i)					
† new 261.4(b)(7)(ii) is third sentence of old 261.4(b)(7) with the following revisions: replace “For the purpose” with “For the purposes”; insert “as generated” after “the following wastes”	261.4(b)(7)(ii)					
† redesignate old 261.4(b)(7)(i) - (xx) as 261.4(b)(7)(ii)(A) - (T)	261.4(b)(7)(ii)(A) - (T)					
† add new paragraph; a residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials remains excluded under 261.4(b) if owner/operator meets specified conditions	261.4(b)(7)(iii)					
	261.4(b)(7)(iii)(A)					
	261.4(b)(7)(iii)(B)					